



99

HIGH COURT OF CHHATTISGARH, BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No. 3221 of 1994.

Petitioner

G. Satyam, aged about 35 years, S/o
G.Laxmaiyya C.L.M. Under D.Y.S.S.,
S.E.Rly. Railway Colony, Gunderdehi,
Distt. Durg (M.P.)

Vs.

Respondents

1. Union of India through : Secretary, Ministry
of Railway, Rail Bhawan, New Delhi
2. Divisional Manager, South Eastern
Railway, Bilaspur (M.P.)
3. Shri B.P.Rao, Dy.Station Supdt. South
Eastern Railway Station Sunderdehi Distt.
Durg (M.P.)
4. Assistant Labour Commissioner, (Central)
Hari Bhawan, Torwa, Bilaspur (M.P.)

Petition under Articles 226/227 of the Constitution of India.

Present:

Shri V.G. Tamaskar, counsel for the petitioner.
Shri A.S. Kachhawaha, G.A. for respondent No.4/State.

ORAL ORDER
(Passed on 30th April, 2007)

Petitioner is a workman. He was employed in South Eastern Railway Bilaspur Division, Bilaspur (for short 'Railways'). His services were terminated by the respondents. He had gone before the State Government with the request to refer the dispute for adjudication before the Labour Court. The said request of the petitioner was rejected by the State Government by its order dated 13.04.1992. Aggrieved by the same, the petitioner is before this Court.

(2) It is settled principle that whenever a dispute is raised, it is expected of the State Government to refer the same to an adjudicating body, namely, Labour Court or the Industrial Tribunal. The State Government is not expected to enter into the correctness or otherwise of the dispute that intends to raise an Industrial Dispute before the Labour Court

50

(3) Having gone through the orders passed by the State Government dated 13.04.1992, in my opinion, the same is contrary to the settled legal principles and also contrary to the provisions of Industrial Dispute Act. Therefore, impugned order cannot be sustained by me. Accordingly the following:

- (i) Petition is allowed.
- (ii) Rule is made absolute.
- (iii) Impugned order passed by the State Government dated 13-04-1992 is set aside
- (iv) A direction is issued to the respondents to refer the dispute before the Labour Court for adjudication and decision as early as possible, at any rate, within six months from the date of receipt of a copy of this order. Ordered Accordingly.

Sd/-
Chief Justice